

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION**

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<b>DANIEL GENE BOZE, et al.,</b>  <b>Plaintiffs,</b>  <b>v.</b>  <b>GREAT AMERICAN</b> <b>INSURANCE COMPANY,</b>  <b>Defendant.</b>	<b>Case No. 2:21-cv-00002</b>  <b>Chief Judge Waverly D. Crenshaw, Jr.</b> <b>Magistrate Judge Alistair Newbern</b>
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**DEFENDANT'S MOTION TO DISMISS  
PLAINTIFFS' COMPLAINT (COUNTS I, II, III, IV, AND V)**

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Defendant, Great American Insurance Company (“Great American”) hereby moves to dismiss Plaintiffs’ Complaint (Doc. No. 1) against it under Fed. R. Civ. P. 12(b)(6) due to Plaintiffs’ failure to state a claim upon which relief can be granted, and for the other reasons set forth in the Brief filed in support of this motion. The Court should dismiss all of the Plaintiffs’ claims, including those identified in Plaintiffs’ Count I (Judicial Review (Section 20)), Count II (Tennessee State Law (Contract)), Count III (Tennessee State Law (Common Law Bad Faith)), Count IV (Tennessee State Law (Statutory Bad Faith)), and Count V (Tennessee State Law (Tort)).

Respectfully submitted,

s/ Thomas C. James, Jr.

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**Attorneys for Defendant Great American**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he served a copy of the foregoing through the Court's Electronic Case Filing System (CM/ECF), upon Plaintiffs' attorney, Wendell L. Hoskins II, Law Office of Wendell L. Hoskins II, 404 Ward Ave., P.O. Box 1115, Caruthersville, MO 63830 (Wendell@WendellHoskins.com), this 18th day of January 2024.

Thomas C. James, Jr.

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